

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Jen Banford and Annette Wiles,

Case No. 15-cv-03740 (PJS/LIB)

Plaintiffs,

v.

**DECLARATION OF JOSH BERLO IN
SUPPORT OF MOTION FOR SUMMARY
JUDGMENT**

The Board of Regents of the
University of Minnesota,

Defendant.

I, Josh Berlo, hereby declare as follows:

1. I am the Athletic Director for the University of Minnesota, Duluth (“UMD”), and have held that position since May 1, 2013. I submit this declaration in support of Defendant’s Motion for Summary Judgment on the Title VII claims of Plaintiffs Jen Banford and Annette Wiles.

2. I understood that Jen Banford was gay prior to the December 2013 Athletics holiday party. In August 2013, I attended the Lake Superior Dragon Boat Festival in Duluth to support the UMD Women’s Hockey team. Shannon Miller and Jen Banford were also there and, based on their interactions, I assumed they were partners.

3. I have reviewed Shannon Miller’s November 16, 2020, Declaration submitted in opposition to the University’s summary judgment motion (ECF 739), where she states that [REDACTED] was openly gay, and that [REDACTED] and

██████████ were not openly gay. Whether or not ██████████ and ██████████ were “openly gay,” I understood they were gay well before the Fall 2014 decisions related to ██████████

4. Again, that these women were gay is of no consequence to me personally or professionally, and played no role in any employment or other decisions. It’s very common to have LBGTQ coaches and administrators in women’s intercollegiate athletics, and its widely accepted. I personally support the LBGTQ community, both at UMD and in my personal life. I detailed some of the efforts that the Athletics Department has taken to promote LBGTQ equity and inclusiveness under my leadership in my April 13, 2017 declaration (ECF 85) at paragraph 25.

5. When I decided to non-renew Banford’s hockey operations position, it was my intention that the new head coach would select and supervise not only her assistant coaches, but also her director of hockey operations. The more hiring freedom you can give to an incoming head coach, the more attractive the coaching position is to candidates. In fact, when I met with Maura Crowell prior to extending her an offer, I told her that the new UMD women’s hockey head coach would have the ability to select her own staff, including her two assistant coaches and her director of hockey operations.

6. After I hired Coach Crowell as the new women’s hockey head coach, she selected and hired the new director of hockey operations, Ian Kronberg, and

supervised him, including conducting his performance review. She also selected and hired, and supervises Mr. Kronberg's successor, Nick Bryant, including conducting his performance reviews.

7. [REDACTED] all retained their hockey-related duties when Coach Crowell became Head Coach.

I declare under perjury that the foregoing is true and correct and this declaration was executed this 28 day of November, 2020, in St. Louis County, Minnesota.

s/ 
Josh Berlo